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5 **IN THE UNITED STATES DISTRICT COURT**
6 **FOR THE DISTRICT OF ARIZONA**
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8 United States of America,
9 Plaintiff,
10 v.
11 Devonte Okeith Mathis,
12 Defendant.

CR 21-2714-TUC-RM (MSA)
ORDER
CONTINUING PLEA DEADLINE
AND TRIAL

13
14 This case is presently set for trial on December 21, 2021. The defendant filed a
15 motion to continue and, for the reasons set forth therein, additional time is required to
16 adequately prepare for trial. The government has no objection to a continuance.

17 The Court finds that the ends of justice served by granting a continuance outweigh
18 the best interests of the public and the defendant in a speedy trial because, for the reasons
19 set forth in the motion, failure to grant the continuance is likely to result in a miscarriage
20 of justice if the defendant is required to go to trial on the present trial date.

21 **IT IS ORDERED** as follows:

22 1. The date by which the referred magistrate judge hears the change of plea must
23 be no later than February 4, 2022, by 3:00 p.m.

24 2. All motions, unless made during a hearing or trial, shall be in writing and shall
25 be made sufficiently in advance of trial to comply with the time periods set forth in
26 LRCiv. 7.2 and any court order and to avoid any delays in the trial. Pretrial motions may
27 be heard before a magistrate judge and a Report and Recommendation will be provided to
28 the district judge assigned to the case.

1 3. This matter is RESET for trial on **February 23, 2022, at 9:30 a.m. Counsel**
2 **are to be present at 9:00 a.m.**


3 4. Excludable delay under 18 U.S.C. §3161(h)(7) is found to commence on
4 December 22, 2021, and end on February 23, 2022. Such time shall be in addition to
5 other excludable time under the Speedy Trial Act and shall commence as of the day
6 following the day that would otherwise be the last day for commencement of trial.

7 5. That any and all subpoenas previously issued shall remain in full force and
8 effect through the new trial date.

9 6. **Any motion or stipulation to continue the scheduled trial date and change**
10 **of plea deadline shall be filed with the Clerk of Court no later than 5:00 p.m.,**
11 **Monday, February 7, 2022. Alternatively, by that same deadline, if after**
12 **consultation between government and defense counsel it is determined that a motion**
13 **to continue the scheduled trial date and change of plea deadline will not be filed,**
14 **government counsel shall notify the Court by an email to the chambers email**
15 **address that the case and the parties are ready to proceed to trial on the scheduled**
16 **trial date. The notification shall also include the estimated number of trial days**
17 **needed to complete the trial.**

18 Dated this 9th day of December, 2021.

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Honorable Rosemary Márquez
United States District Judge